

**S.C. No. - 104/2025 (Reg no.104/2025)**  
**CNR No.WBPU01-001244-2025**

Present :- Sri Partha Pratim Dutta  
Addl. District & Sessions Judge,  
1<sup>st</sup> Court, Purulia

Order dated 09-02-2026

The complainant is present today.

Ld. Addl. PP is also present by filing hazira.

Heard all the parties.

From the complaint as well as the materials on record, it appears that the accused no.2 Dactar Mahato had been unnecessarily dragged into this case by saying simply that he will kill the complainant. There are allegations of assault against the brother of this accused namely Barani Mahato. There is also report of grievous hurt in the Injury Report of Hura Rural Hospital. Therefore, there is nothing to proceed against Dactar Mahato.

The allegation against Barani Mahato is that he had assaulted the complainant with a stone causing head injury so as to kill the complainant but from the Injury Report of Hura Rural Hospital it is found that the injuries are 03 (three) in number measuring 2cm, 2cm and 0.8cm without any depth. Nothing more is found from the record.

Though the weapon was shown to be dangerous and the assault was on the back side of head but there were only lacerated injuries and they were not deep. So far nothing has been placed on record to show that the injury was to kill a person. Therefore, attempt to murder does not apply from the injuries placed before the Court. Section 109 of BNS does not therefore apply.

In such circumstances, from the aforesaid discussion Dactar Mahato is discharged from this case and this case record is transferred to the Ld. Chief Judicial Magistrate, Purulia for trial for offences U/S 117(2)/351(2)/126(2) of the BNS.

Let a copy of this order along with the case record be sent to the Ld. CJM, Purulia for information and necessary action in accordance with law.

Dictated & corrected

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Purulia.

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Purulia.  
(JO Code WB01242)